IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9399 of 2005

Between:

K.Subba Reddy, S/o.Venku Reddy,
Fair price shop Dealer (under suspension) Mudivarti (V),

Vidavalur (M), Nellore District.

... PETITIONER

AND

1 The Joint Collector, Nellore Nellore Dist.
2 The Revenue Divisional officer, Kavali, Nellore District.
3 The Mandal Revenue officer, Vidavalur (M), Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or orders more particularly one in the nature of writ of Mandamus declaring the impugned proceedings in Rc.No.J.6277/2004, dt.18-12-2004 issued by the 2nd respondent is illegal, arbitrary, malafidy and violative of principles of natural justice by setting aside the same and petitioner in the interest of justice and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

This court at the stage of admission made the following:

O R D E R:

Questioning the proceedings dated 18.12.2004, issued by the 2nd respondent, canceling the authorization and also the action of the 1st respondent in not disposing of the appeal, the petitioner filed this writ petition.

The petitioner was appointed as Fair Price Shop dealer of Mudivarthi village in the year 1980. Based on the report submitted by the 3rd respondent, Mandal Revenue Officer, to the effect that the petitioner had committed irregularities in distributing the SGRY rice to the beneficiaries, the 2nd respondent, Revenue Divisional Officer, issued a show-cause notice dated 18.12.2004, calling for the explanation of the petitioner. It is alleged that on the same day itself, the 2nd respondent passed the impugned order, suspending the authorization of the petitioner. However, the petitioner filed his explanation, stating the circumstances under which he distributed the rice, but no orders were passed on the same. Aggrieved by the order of suspension, the petitioner preferred an appeal before the 1st respondent, Joint Collector. Contending that no orders have been passed so far, either in the appeal or in the application for stay, the petitioner filed the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is contended that the petitioner preferred an appeal before the 1st respondent and that the first respondent has not passed any orders so far in the said appeal. In that view of the matter, without expressing any opinion on the merits of the case, I deem it appropriate to direct the 1st respondent, Joint Collector, to dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of at the stage of admission. No order as to costs.

_____

27th April 2005

pan

To

1 The Joint Collector, Nellore Nellore Dist.
2 The Revenue Divisional officer, Kavali, Nellore District.
3 The Mandal Revenue officer, Vidavalur (M), Nellore District.

4 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two C.D.copies.